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a Corporation Commission

ARIZONA CORPORATION COMMISSION

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2 CARL J. KUNASEK
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Commissioner

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ARIZONA CORPORATION COMMISSION
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6 IN THE MATTER OF THE JOINT)
APPLICATION BETWEEN CITIZENS)
7 UTILITIES COMPANY AND CAP ROCK)
ENERGY CORPORATION FOR THE)
8 APPROVAL OF THE SALE OF CERTAIN)
ELECTRIC UTILITY PROPERTIES IN)
9 ARIZONA AND THE TRANSFER OF THE)
CERTIFICATE OF CONVENIENCE AND)
10 NECESSITY FROM CITIZENS TO CAP ROCK)

DOCKET NOS. E-01032A-00-0163
E-01032B-00-0163
E-01032C-00-0163
E-03851A-00-0163

**RESPONSE TO JOINT MOTION TO
SUSPEND THE PROCEDURAL
SCHEDULE**

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12 The Arizona Corporation Commission staff ("Staff") hereby responds to the Joint Motion
13 to Suspend the Procedural Schedule filed by Cap Rock Energy Corporation ("Cap Rock") and
14 Citizens Utilities Company ("Citizens"). Cap Rock and Citizens have asked the Commission to
15 indefinitely suspend this proceeding. They offer to file a status report by November 17, 2000, at
16 which time they intend to revisit the continued suspension of the procedural schedule. Staff opposes
17 any indefinite suspension.

18 The Commission has already granted these parties several extensions. Each time a
19 suspension is granted, the timeclock requirements of A.A.C. R14-2-212.E are suspended; when the
20 suspension expires, the timeclock picks up where it left off. After each extension, Staff and the other
21 parties to this proceeding have markedly less time to evaluate any new information provided, and
22 the Commission has less time to process the amended application. This does not create a problem
23 if the amendments are not substantial. But we must consider the circumstances of this case: these
24 parties have already been granted several extensions, the information in the current application may
25 already be stale, and any subsequent amendments to the application will likely contain substantial
26 new information. As a practical matter, the parties' subsequent filing may be equivalent to an
27 entirely new application. It would be unfair to expect Staff and intervenors to review--and the
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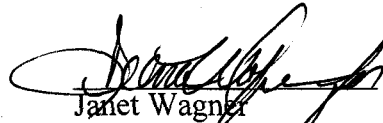
1 Commission to process--what may amount to a new application in the time left on the old timeclock.

2 For these reasons, Staff opposes any indefinite extension in this matter.

3 Cap Rock and Citizens will not be prejudiced by the denial of a suspension. Since they do
4 not want to process their application at this time, they may simply withdraw it without prejudice.
5 They may refile a new application whenever they choose. This result protects the public from a
6 hurried review and allows Cap Rock and Citizens to file whatever they want whenever they want.

7 For these reasons, Staff opposes the Motion to Suspend. Staff suggests that the Commission
8 terminate the application if the applicants do not wish to proceed at this time. Any termination of
9 the application should be without prejudice.

10 RESPECTFULLY SUBMITTED this 30th day of October, 2000.

11
12 
13 Janet Wagner
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15 Original and fifteen copies of
16 the foregoing document filed
this 30th day of October, 2000 with:

17 Docket Control
18 Arizona Corporation Commission
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20 Copy of the foregoing mailed
this 30th day of October, 2000 to:

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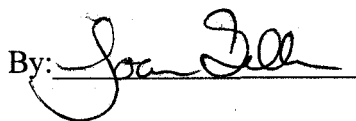
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